

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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| IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION | No. 2:12-md-02323-AB MDL No. 2323 |
| Kevin Turner and Shawn Wooden, <i>on behalf of themselves and others similarly situated,</i> Plaintiffs, v. National Football League and NFL Properties, LLC, successor-in-interest to NFL Properties, Inc., Defendants. | Civ. Action No.: 14-cv-00029-AB |
| THIS DOCUMENT RELATES TO: ALL ACTIONS | |

STIPULATION AND ~~PROPOSED~~ ORDER¹

This Stipulation and Agreement, dated December 10, 2015 is made and entered into by and among the National Football League and NFL Properties LLC (the "NFL Parties"), and Class Counsel (collectively, the "Parties").

WHEREAS, on April 22, 2015, this Court issued a Memorandum (ECF No. 6509) and Final Order and Judgment (ECF No. 6510), and on May 8, 2015, an amended Final Order and Judgment (ECF No. 6534), approving the Settlement Agreement in its entirety;

¹ Unless otherwise noted, the terms used in this Order that are defined in the Settlement Agreement have the same meanings in this Order as in the Settlement Agreement.

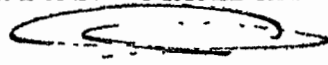
WHEREAS, on May 4, 2015, Claims Administrator BrownGreer PLC, in accordance with the Final Order and Judgment and the Settlement Agreement, filed the list of Opt Outs who timely submitted proper requests to opt out in compliance with Section 14.2(a) of the Settlement Agreement, including Retired NFL Football Player John Wilbur (through his personal representative Dione Elizabeth Smith) and Dione Elizabeth Smith (as the daughter of Mr. Wilbur) (ECF No. 6533);

WHEREAS, Dione Elizabeth Smith, on behalf of herself and John Wilbur, has since submitted a written request seeking to revoke their Opt Out requests (the “Smith Revocation Requests”) (*see* Exhibit 1 (Declaration of Orran L. Brown));

WHEREAS, the Parties have agreed to accept the Smith Revocation Requests, subject to Court approval, because they were submitted before Opt Out litigation has commenced in this Court;

AND NOW, this 10th day of December, 2015, it is hereby stipulated and agreed by the Parties that the Smith Revocation Requests are accepted, subject to Court approval, because they were submitted before Opt Out litigation has commenced in this Court.

It is so **STIPULATED AND AGREED**,

By: 

By: 

Date: 12/11/15

Date: Dec. 11, 2015


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Class Counsel

Counsel for the NFL Parties

It is so **ORDERED**, based on the above Stipulation and the accompanying Declaration of Orran L. Brown, Sr., that the revocation requests submitted by Dione Elizabeth Smith on behalf of the late John Wilbur and herself are approved and the Claims Administrator is **DIRECTED** to post a revised list of Opt Outs forthwith excluding John Wilbur and Dione Elizabeth Smith.


ANITA B. BRODY, J.
12/21/15

Copies VIA ECF on _____ to:

Copies MAILED on _____ to:

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL LEAGUE
PLAYERS' CONCUSSION INJURY
LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS

: No. 2:12-md-02323-AB
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MDL No. 2323

Hon. Anita B. Brody

DECLARATION OF ORRAN L. BROWN, SR.

I, ORRAN L. BROWN, SR., hereby declare and state as follows:

1. My name is Orran L. Brown, Sr. I am the Chairman and a founding partner of BrownGreer PLC ("BrownGreer"), located at 250 Rocketts Way, Richmond, Virginia 23231.

2. I am over the age of 21. The matters set forth in this Declaration are based upon my personal knowledge and information.

3. I submit this Declaration to describe two Opt Out revocation requests that BrownGreer, as the Claims Administrator under the Class Action Settlement Agreement in this action ("Settlement Agreement"), has received recently.

4. In its April 22, 2015 Final Approval Order and Judgment, the Court directed the Claims Administrator to post a list of Opt Outs as of that date. Accordingly, we posted on the official Settlement website a list of the 175 Opt Outs that were timely and included all elements required for a valid Opt Out under Section 14.2(a) of the Settlement Agreement (the "Opt Out List"), and a list of the 33 Opt Outs that were untimely and/or were missing one or more of Section 14.2(a)'s required elements. Section 14.2(c) of the Settlement Agreement

provides that a Class Member who had opted out but wished to revoke that Opt Out could submit a written request to do so “[p]rior to the Final Approval Date.”

5. After the April 22, 2015 Final Approval Date, six Class Members included on the Opt Out List submitted requests to revoke those Opt Outs. The Parties to the Settlement Agreement agreed to accept those revocation requests, subject to Court approval. I reported those revocation requests to the Court by a Declaration, which the Parties attached as Exhibit 1 to an Amended Stipulation and Proposed Order they filed with the Court on July 1, 2015 (Document 6621). By Order of July 15, 2015 (Document 6642), the Court approved the revocation requests. As a result, we no longer counted those six persons as Opt Outs and posted on the Settlement website a revised Opt Out List identifying the 169 timely and complete Opt Outs remaining after the Court’s Order.

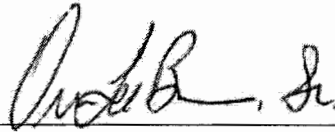
6. On December 9, 2015, I received from Counsel for the NFL Parties a letter from Ms. Dionne Smith, a copy of which (with personal information redacted) is attached as Attachment 1 to this Declaration.

7. Ms. Smith had submitted two Opt Outs that were timely and complete, one as the personal representative of her father’s estate on behalf of her deceased father, John Leonard Wilbur, and one on her own behalf as a Derivative Claimant as Mr. Wilbur’s daughter. In her letter, Ms. Smith requests that she be permitted to revoke both of those Opt Outs.

8. The Parties to the Settlement Agreement have informed me that they agree to accept those revocation requests, subject to Court approval.

9. If the Court grants its approval, we will remove these two Opt Outs from the list of timely complete Opt Outs and, upon direction of the Court, will post a revised Opt Out List identifying the remaining 167 timely and complete Opt Outs.

I, Orran L. Brown, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct. Executed on this 11th day of December, 2015.

A handwritten signature in black ink, appearing to read "Orran L. Brown, Sr.", is written over a horizontal line.

Orran L. Brown, Sr.

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ann

Sol Weiss - Attention Doug Burns
Paul, Weiss, Rifkind Wharton Garrison
Counsel for the NFL Players
1285 Ave of the Americas
New York, NY 10019 6064
USA

Dione Smith (per rep for the late John Leonard Wilbur)

[REDACTED]

[REDACTED]

[REDACTED]

Paul, Weiss, Rifkind, Wharton & Garrison LLP

Attention Doug Burns

1285 AVENUE OF THE AMERICAS

NEW YORK, NY 10019-6064

UNITED STATES

Tel: 212-373-3000

29 November 2015

Dear Sir,

Re: Request to revoke my wish to be excluded from settlement agreement with reference to Case 2:12 md-02323 AB. National Football League Players' Concussion Injury Litigation i.e. Request to opt in to the settlement agreement

I respectfully wish to revoke my request to be excluded from the Settlement Class in the National Football League Players' Concussion Injury Litigation Case 2:12 md-02323 AB. I am the personal representative of deceased player, John Leonard Wilbur dob. [REDACTED]

My full name is Dione Elizabeth Smith (per rep & daughter)

Dob: [REDACTED]

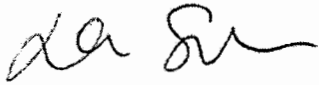
Phone: [REDACTED]

Address: [REDACTED]

Email: [REDACTED]

I would very much appreciate it if you could please contact me by email or phone at your earliest convenience once your decision has been made as there can be lengthy delays with the post this time of year.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dione Smith', with a stylized flourish at the end.

Dione Smith

LAW OFFICES OF CURTIS B. K. YUEN,
A LAW CORPORATION

CURTIS B. K. YUEN 5135-0
1100 Alakea Street, Suite 1701
Honolulu, Hawaii 96813-2833
Telephone: (808) 532-3103

Attorney for Applicant

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2014 MAY 12 PM 1:31

G. YAMAMOTO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

THE ESTATE

OF

JOHN LEONARD WILBUR,

Deceased.

P. NO. 14-1-0121
(Informal)

LETTERS OF ADMINISTRATION

LETTERS OF ADMINISTRATION

DIONE ELIZABETH SMITH is informally appointed Personal Representative of the Estate of the decedent.

Limitations on powers: None.

These Letters of Administration shall expire three years from the date hereof,
unless renewed for good cause.

DATED: Honolulu, Hawaii, MAY 12 2014

G. YAMAMOTO

Clerk of the Above-Entitled Court



wilburj.44

I do hereby certify that this is a full, true, and correct copy of the original on file in this office.

Clerk, Circuit Court, First Circuit
State of Hawaii



CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing document was served electronically via the Court's electronic filing system on the 11th day of December, 2015, upon all counsel of record.

Dated: December 11, 2015

/s/ Brad S. Karp
Brad S. Karp